

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BAKERSFIELD CITY SCHOOL
DISTRICT.

OAH CASE NO. 2010120162

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On December 28, 2010, the parties filed a joint request to continue the dates in this matter. This is the parties' first request to continue. The parties did not utilize the continuance request form or check availability of the Office of Administrative Hearings (OAH) with respect to their new proposed dates.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is:

☒ Granted. All dates are vacated. OAH has tried to schedule the dates below as closely as possible to those requested by the parties. This matter will be set as follows:

Mediation: February 9, 2011, at 9:30 AM
Prehearing Conference: February 7, 2011, at 1:30 PM¹
Due Process Hearing: February 15 – 17, 2011, at 9:30 AM²

IT IS SO ORDERED.

Dated: December 29, 2010

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings

¹ The parties requested a prehearing conference (PHC) on February 8, 2011, at 10:30 a.m., however OAH does not schedule PHCs on Tuesdays. In the future, the parties are encouraged to use OAH's Special Education Scheduling Guide, which is available on OAH's website or may be obtained by contacting OAH.

² The parties requested a due process hearing on February 15 through 18, 2011, however OAH does not schedule matters on furlough Fridays. Information regarding OAH's availability to hold hearings is available through OAH directly or on OAH's website via the link to the Special Education Calendar. In the future, the parties are encouraged to consult OAH's calendar prior to requesting dates.